

Ordinance No. 22-05

ORDINANCE: To grant Text Amendment Application
TXT2004-00215, Mayor and Council of
Rockville, Applicant

WHEREAS, the Mayor and Council of Rockville has adopted a Master Plan for the Rockville Town Center (the “Town Center Master Plan”) which is part of the Master Plan for the City of Rockville; and

WHEREAS, said Town Center Master Plan is designed, among other things, to guide development in the Rockville Town Center Planning Area; and

WHEREAS, Text Amendment Application TXT2004-00215, was filed to amend the Zoning and Planning Ordinance to further implement the purposes, goals, and objectives of the said Town Center Master Plan; and

WHEREAS, the Planning Commission reviewed the aforesaid text amendment application and recommended approval of the application as more fully set forth in a memorandum to the Mayor and Council dated November 22, 2004; and

WHEREAS, pursuant to Article 66B of the Annotated Code of Maryland, the Mayor and Council of Rockville gave notice that a public hearing on said application would be held on January 10, 2005, at 7:00 p.m., or as soon thereafter as it may be heard, in the Council Chambers, Rockville City Hall, 111 Maryland Avenue, Rockville, Maryland 20850, at which parties in interest and citizens would have an opportunity to be heard; and

WHEREAS, on January 10, 2005, the said application came on for hearing at the time and place provided for in said advertisement; and

WHEREAS, the application and all comments and recommendations with respect thereto having been fully considered, the Mayor and Council having determined that the public health, safety, morals and general welfare would be promoted by the granting of Text Amendment Application No. TXT2004-000215.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF ROCKVILLE, MARYLAND, as follows:

SECTION 1. That Text Amendment Application No. TXT2004-00215, be and the same is hereby granted, in the form set forth below:

SECTION 2. That Article III, Section 25-120 of Chapter 25 of the Rockville City Code, entitled “Zoning and Planning” is amended as follows:

Sec. 25-120. Same--Limitation on amendments relative to certain zones.

(a) R-20, R-60, R-H, ~~TC-1, TC-2, TC-3, TC-4 TCO-1, TCO-2, TCM-1, TCM-2~~ and RPR Zones. The City Clerk shall not accept for filing any application for a local amendment to the zoning map for the reclassification of the whole or part of any land to the R-20, R-60, R-H, ~~TC-1, TC-2, TC-3, TC-4 TCO-1, TCO-2, TCM-1, TCM-2~~ and RPR Zones.

(b) * * *

SECTION 3. That Article VI, Section 25-271 of Chapter 25 of the Rockville City Code, entitled “Zoning and Planning” is amended as follows:

Sec. 25-271. Zoning districts established.

(a) For the purpose of this chapter, the City is divided into the following zones:

* * *

~~TCO-1~~TC-1 Town Center ~~Office~~--One (1);

~~TCO-2~~TC-2 Town Center ~~Office~~--Two (2);

~~TCM-1~~TC-3 Town Center ~~Mixed Use~~--Three (3) ~~One (1)~~;

~~TCM-2~~TC-4 Town Center ~~Mixed-Use~~ ~~Four (4) Two (2)~~;

* * *

SECTION 4. That Article VI, Section 25-272 of Chapter 25 of the Rockville City Code, entitled “Zoning and Planning” is amended as follows:

Sec. 25-272. Purposes of zones.

(a) through (k) * * *

(l) ~~TC-1~~TCO-1 Zone. The purpose of the ~~TC-1~~TCO-1 Zone is to provide for mixed-use developments, containing office, commercial and multifamily residential uses ~~office space, with convenience retail uses~~ within the Town Center Planning Area Performance District. It is also a transition between high density mixed commercial uses in the Town Center and low density, residential scaled office uses and residences adjacent to the Town Center.

(m) ~~TC-2~~TCO-2 Zone. The purpose of the ~~TC-2~~TCO-2 Zone is to provide for mixed use developments, containing office, commercial and multifamily uses ~~office space for private, quasi-public, and public uses with some general retail uses~~ in the Town Center Performance District.

(n) ~~TC-3~~TCM-1 Zone. The purpose of the ~~TC-3~~TCM-1 Zone is to provide for mixed-use developments, containing office, commercial and multifamily residential uses in the Town Center Performance District separately or in any combination in accordance with the Plan.

(o) ~~TC-4~~ TCM-2 Zone. The purpose of the ~~TC-4~~ TCM-2 Zone is to provide for mixed-use developments, containing office, commercial and multifamily residential uses, at the greatest development density within the Town Center Performance District in accordance with the Plan.

(p) * * *

(q) * * *

SECTION 5. That Article VII, Section 25-296 of Chapter 25 of the Rockville City Code, entitled “Zoning and Planning” is amended as follows:

Sec. 25-296. Tables of uses.

1. Amend all charts by replacing references to TCO-1 with TC-1, TCO-2 with TC-2, TCM-1 with TC-3 and TCM-2 with TC-4

2. Amend the Column for Commercial Office and Industrial Uses to indicate that all retail sales and personal services uses that are permitted in the TC2, TC3 and TC4 zones are permitted in the TC1 Zone.

3. Amend the Column for Commercial Office and Industrial Uses, Subsection “a. Retail sales and Personal services,” “17. Restaurant” so as to designate “B. Restaurant, full service or fast food, free standing, no drive through,” as permitted in the TC-1 and TC-2 Zones.

SECTION 6. That Article VII, Section 25-311 of Chapter 25 of the Rockville City Code, entitled “Zoning and Planning” is amended as follows:

Sec. 25-311. Tables of development standards.

1. Amend all charts so as to replace references to TCO-1 with TC-1, TCO-2 with TC-2, TCM-1 with TC-3 and TCM-2 with TC-4

2. Amend the Development Standards for Town Center Zone chart by changing the “Minimum Lot Area (square feet)” from 20,000 to 10,000 and the “Minimum Width” at “front lot line” to 50 feet for all Town Center Zones.

3. Amend the Development Standards for Town Center Zone chart by amending notes No. (7) and (8) in the notes section at the bottom of the chart to read as follows:

(7) A sixty foot build-to line on the east side of Hungerford Drive only.

(8) Building height may be measured from the four hundred forty-eight (448) foot elevation for preliminary development plans and use permit applications approved before September 26, 2005.

4. Amend the Development Standards for Town Center Zone chart by adding a new footnote (12) in the column entitled “Zone” in the row entitled “TC-2”, said footnote (12) to be placed immediately after footnote No. (11) and the corresponding footnote language to read as follows:

(12) For properties in the TC-2 Zone, located immediately south of Church Street and east of MD 355, and built prior to July 1, 2001, the maximum height limit shall be 110 feet, and maximum F.A.R. shall be 3.0.

SECTION 7. That Article VII, Section 25-315.1 of Chapter 25 of the Rockville City Code, entitled “Zoning and Planning” is amended as follows:

Sec. 25-315.1 Special development standard for zone area in the O-2 Zone.

The minimum zone area for development in the O-2 zone is 6,000 square feet. Resubdivision for the purpose of assembling existing lots is not permitted, except for lots containing an existing church, synagogue or house of worship with a proposed lot size of 40,000 square feet or less.

SECTION 8. That Article VII, Section 25-317 of Chapter 25 of the Rockville City Code, entitled “Zoning and Planning” is amended as follows:

Sec.25-317. Accessory swimming pools in R-30, R-20, R-H, ~~TCM-1-3~~, ~~TCM-2-4~~, RPC and RPR Zones.

A swimming pool as an accessory use to a multiple dwelling unit development in the R-30, R-20, R-H, ~~TCM-1-3~~, ~~TCM-2-4~~, RPC and RPR Zones shall have a minimum legal capacity of one (1) person for each three (3) dwelling units in the development.

SECTION 9. That Article V, Section 25-320 of Chapter 25 of the Rockville City Code, entitled “Zoning and Planning” is amended as follows:

Sec. 25-320. Limitations on certain uses in ~~TCO-1~~ TC-1 Zone.

(a) Any hotel which lawfully existed prior to the rezoning of the land on which it is located to the ~~TCO-1~~ TC-1 Zone shall not be regarded as a nonconforming use and may be continued and expanded and structurally repaired , altered and enlarged in conformance with the development requirements of the ~~TCO-1~~ TC-1 Zone.

(b) Any automobile filling station, class I, which lawfully existed prior to the rezoning of the land on which it is located to the ~~TCO-1~~ TC-1 Zone shall not be regarded as a nonconforming use but, if damaged, can be rebuilt, repaired and/or reconstructed only to the extent of the original floor area existing on the date of the damage.

SECTION 10. That Article IX, Section 25-390 of Chapter 25 of the Rockville City Code, entitled “Zoning and Planning” is amended as follows:

Sec. 25-390. Determination of requirements for Multiple uses.

(a) * * *

(b) * * *

(c) In a predominantly office, multiple-use building located in the ~~TCM-2~~ TC-4 zone with frontage on a Transit Station Link, and not part of an approved Preliminary Development Plan, the number of parking spaces required may be determined by using the parking standards for office use applied over the entire floor area of the building and not on the requirements for the individual uses. Office uses must occupy more than seventy-five (75) percent of the gross floor area of the building. In the event that a lesser standard may apply for accessory uses within the building, the lesser standard may be employed as appropriate. If the mix of uses contains one (1) or more restaurants that, in the aggregate, exceed four thousand five hundred (4,500) square feet of gross floor area, the parking requirement for the restaurant or restaurants exceeding four thousand five hundred (4,500) square feet of gross floor area, must be calculated according to the restaurant parking standard of the Zoning Ordinance.

SECTION 11. That Article XI, Section 25-470 of Chapter 25 of the Rockville City Code, entitled “Zoning and Planning” is amended as follows:

Sec. 25-470. Signs permitted for all uses in the ~~TCO-1, TCO-2, TCM-1, TCM-2~~ TC-1, TC-2, TC-3, TC-4, O-1 and RPR Zones.

The following signs are permitted for all uses in the ~~TCO-1, TCO-2, TCM-1, TCM-2~~ TC 1, TC-2, TC-3, TC-4, O-1 and RPR zones in accordance with the following:

(1) * * *

(2) Freestanding signs. In the ~~TCO-2, TCM-1, TCM-2~~ TC-2, TC-3, TC-4, and O-1 zones, one (1) freestanding nonilluminated monument sign per lot, not exceeding three feet by eight (8) inches in size. The sign must not exceed six (6) feet in height and must not have a separate supporting structure. Letters or graphics must not exceed six (6) inches in height. Final location of such sign shall be approved by the City Traffic Engineer to ensure motorist visibility.

(Note: Graphic remains unchanged)

(3) * * *

(4) * * *

(5) * * *

(6) Temporary signs are permitted in accordance with the following:

a. * * *

b. * * *

c. * * *

d. Temporary noncommercial signs are permitted in the ~~TCO-1, TCO-2, TCM-1, TCM-2~~ TC-1, TC-2, TC-3, TC-4, O-1 and RPR Zones in accordance with the provisions of Section 25-467(4)b.

SECTION 12 . That Article XIII “Town Center Planning Area” of Chapter 25 of the Rockville City Code, entitled “Zoning and Planning” is amended as follows:

ARTICLE XIII. TOWN CENTER PLANNING AREA

DIVISION 1. GENERALLY

Sec. 25-671. Intent.

The objective of this article is to encourage development within the Town Center Planning Area in accordance with the Plan. The regulations contained in this article are intended to:

- (1) Provide for a mixed-use, pedestrian-oriented, urban neighborhood environment that is supportive of living, working, shopping and entertainment activities
~~Integrate circulation plans with development;~~
- (2) Encourage ~~high-rise office with~~ street level retail developments in mixed-use ~~buildings arrangements~~ within the Town Center Performance District;
- (3) Encourage medium to high density residential development within the Town Center ~~Planning Area Performance District;~~
- (4) Encourage quality development ~~that and enhances~~ the City's position as a unique, high amenity destination ~~economic base;~~
- (5) Emphasize excellence in urban design and improvement in the Town Center's overall City appearance to define the character of the Town Center;
- (6) Protect stable residential areas adjoining the Town Center Planning Area ~~Performance District~~ from non-residential encroachment;
- (7) ~~Promote efficient use of land;~~ Provide sufficient parking for new development and visitors to Town Center;
- (8) Promote effective use of transit facilities through improved accessibility and visibility;

(9) ~~Promote~~ Ensure consistency of redevelopment consistent with the goals and objectives of the Plan throughout the Town Center Planning Area Performance District;

(10) Implement a City streetscape improvement program throughout the Town Center Planning Area by establishing specific standards for coordination of façade design, landscaping and street trees along public rights-of-way, public pedestrian ways and sidewalks, utility undergrounding, and buffers between dissimilar uses outside of the mixed-use area.

DIVISION 2. APPROVAL PROCEDURES

Sec. 25-681. Use permit approval.

(a) All developments in the Town Center Planning Area shall require approval of a use permit application in accordance with division 2 of article V of this chapter, except that the following additional requirements shall apply:

(1) The Planning Commission shall approve a use permit application only if it finds:

a. That the proposed development will be consistent with the Plan;

b. That the proposed development will be consistent with the intent and purpose of this article; and

c. That the proposed development will not overburden existing public services, including water, sanitary sewer, public roads, storm drainage, school capacity and other public improvements;

(2) * * *

(3) * * *

(b) * * *

Sec. 25-682. Optional method of development.

(a) Use of the optional method of development is a voluntary option for large tracts of land in the TC-~~3M-1~~ and TC-~~4M-2~~ Zones where multiple buildings are planned to be developed over a long period of time. Submission of an application under the optional method commits the applicant to a greater degree of development control authority by the Mayor and Council. The Mayor and Council may grant additional building height and F.A.R. where a development complies with more extensive standards of urban design review and traffic impact review and mitigation. Any development that receives approval

may exceed the normal building height and F.A.R. specified in Table III contained in section 25-311 of this chapter, provided that in no event shall the resulting building exceed the maximum height and F.A.R. allowed in the zone. Developments submitted for approval under the optional method of development shall be subject to the following additional modifications and requirements:

(1) A minimum area of two (2) acres shall be required for applications under the optional method;

(2) All applicants shall prepare and submit a traffic impact study in conformance with the "[Standard Traffic Methodology](#)," [Comprehensive Transportation Review \(CTR\)](#), or its successor, and shall provide mitigation of traffic impacts which exceed the standards of the [STM-\(CTR\)](#) as may be acceptable to the Mayor and Council;

(3) All developments shall be subject to an urban design review process [employing the urban design guidelines contained in the Plan](#);

(4) * * *

(5) * * *

(6) * * *

(7) Within the ~~TCM-1 and TC-4M-2~~ Zones, the Mayor and Council may authorize additional building height up to a maximum of two hundred thirty-five (235) feet and F.A.R. up to a maximum of six (6);

(8) * * *

(b) * * *

Sec. 25-683. Optional method approval.

* * *

DIVISION 3. USE AND DEVELOPMENT REQUIREMENTS

Sec. 25-691. Use requirements.

(a) Uses within the Town Center Planning Area shall be as set forth for the various zones in section 25-296 except that the following limitations shall apply in the Town Center Performance District to the amount of floor area devoted to retail sales and personal services, and/or home and business services:

(1) In the TC~~Θ~~-1 and TC-2 Zones, not more than twenty-five (25) ~~fifteen (15)~~ percent of the gross floor area of a building or one hundred (100) percent of the first two (2) floors of a building, whichever is greater, shall be devoted to:

- a. Retail sales and personal services; and/or
- b. Home and business services;

~~(2) In the TCΘ-2 Zone, not more than twenty-five (25) percent of the gross floor area of a building shall be devoted to:~~

- ~~a. Retail sales and personal services; and/or~~
- ~~b. Home and business services;~~

~~(23)~~ In the TC-~~3M-1~~ and TC-~~4M-2~~ Zones, there shall be no limit on the amount of floor area devoted to retail sales and personal services, and/or home and business services;

(b) Retail sales and personal services and/or home and business services provided in accordance with this section shall be located adjacent to public pedestrian circulation improvements as specified in the Plan. Ground floor retail uses must be provided in all structures that front on Maryland Avenue.

Sec. 25-692. Development standards.

* * *

Sec. 25-693. Parking, loading and access requirements.

Parking, loading and access requirements within the Town Center Planning Area shall be as set forth in article IX of this chapter except that the following additional modifications and requirements shall apply within the Town Center Performance District:

(1) Within the TC~~Θ~~-1, TC~~Θ~~-2, TC-~~3M-1~~ and TC-~~4M-2~~ Zones, the Planning Commission shall have the authority, in the granting of a use permit to reduce the required number of parking spaces by an amount not to exceed thirty (30) percent of the total number of spaces required for nonresidential uses in the building or buildings to be constructed; provided that:

- a. Such reduction is calculated and justified on the basis of +
~~Common~~ patrons and on-site users of the uses within the building or buildings; and ~~for 2. Non-overlapping~~ peak parking needs of the uses within the building or buildings, an amount not more than 10 percent may be granted; or

b. A major point of pedestrian access to such building or buildings is within a fifteen hundred (1500) foot walking distance of a transit station shown on the Washington Metropolitan Area Transit Authority Adopted Regional Rail Transit System, an amount not more than 10 percent may be granted; or

c. A parking management plan approved by the Planning Commission will be implemented with occupancy of the building or buildings using such features as car and van pooling and public or private transit, an amount not more than 10 percent may be granted;

d. In addition to any action taken under this section, the Council, following the issuance of a use permit pursuant to this section, shall have the authority to reduce the number of parking spaces required by the use permit by an amount not to exceed ten (10) percent of the full amount of parking ordinarily required for the use in question. A Transportation Demand Management strategy must be submitted with the goal of reducing parking demand in the building to meet the amount of reduction requested. The effectiveness of this plan should be demonstrated periodically after the use has been operating, as determined by the Mayor and Council. Application for the amount of parking reduction shall be filed with the City Clerk and final approval shall be by resolution of the Council;

(2) * * *

(3) Within the TC~~O~~-1 Zone:

a. * * *

b. * * *

c. * * *

(4) Within the TC~~O~~-2 Zone:

a. * * *

b. * * *

(5) Within the TC~~3M-1~~ Zone:

~~a. — A service drive shall be constructed in a public easement adjacent to Hungerford Drive to provide for public ingress and egress between adjoining lots. The design of such service drive shall be in substantial accordance with Illustration 5A-1;~~

~~a.b.~~ Easements shall be provided for public ingress and egress to parking and service areas; and

b. Except for temporary parking lots approved under paragraph (7) of this section, all off-street parking spaces and loading facilities shall be located underground or in a building. For good cause shown, the Planning Commission may approve a modification to this requirement during review of a Use Permit.

~~e. No parking shall be allowed between the Hungerford Drive build-to-line and any portion of the building;~~

(6) Within the TC-~~4M-2~~ Zone:

a. * * *

b. * * *

(7) * * *

(8) * * *

Sec. 25-694. Landscaping and screening requirements.

Screening and landscaping requirements within the Town Center Planning Area shall be as set forth in article X of this chapter except that the following additional requirements shall apply:

(1) * * *

(2) All developments in the Town Center Planning Area shall provide screening of parking from public rights-of-way. ~~Buffers between nonsimilar uses, and other~~ landscape treatments must be provided and in substantial accordance with Illustration 5A-2. This does not apply to uses entirely within the TC-1, TC-2, TC-3 and TC-4 Zones, unless reasonably determined by the Planning Commission as necessary to preserve the intent of this chapter.

(Note: Graphic remains unchanged)

Sec. 25-695. Sign requirements.

Sign requirements within the Town Center Planning Area shall be as set forth in article XI of this chapter.

NOTE: ~~Strikethrough~~ indicates material deleted
Underlining indicates material added
Asterisks * * * indicate material unchanged by this ordinance

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I hereby certify that the foregoing is a true and correct copy
of an ordinance adopted by the Mayor and Council at its
meeting of October 17, 2005.

Claire F. Funkhouser, CMC, City Clerk